

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Darryl Craig Hicks

Debtor(s)

Case No.:

Judge:

Chapter:

14-20905

Vincent F. Papalia

13

SEVENTH MODIFIED CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 2/2/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 353.57 Monthly to the Chapter 13 Trustee, starting on June 1, 2014 for approximately 7 months then 700.00 Monthly for approximately 53 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property
Description:
Proposed date for completion: _____
- ☒ Loan modification with respect to mortgage encumbering property
Description: **1107 Thornton Avenue Plainfield, NJ**
Proposed date for completion: **7-1-2017**

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Kirsten B. Ennis, Esq. ~KBE7927	Attorney Fees	1,000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
BNB Hana Bank	420-424 Spruce Street, Plainfield NJ 07060	236,636.94	79,000.00	Bank of America - 226,623.00	No value	N/A	0.00
BNB Hana Bank	1107-1109 Thornton Avenue, Plainfield New Jersey 07060	236,636.94	169,900.00	Pnc Mortgage - 425,790.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
BNB Hana Bank Lisa M. Fadini, Esq	129-131 West 4th Street Plainfield, NJ 07060 - Property Currently in Foreclosure - Sheriff Sale pending	Unknown	Unknown

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
Bank of America
Pnc Mortgage

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
BNB Hana Bank	420-424 Spruce Street, Plainfield NJ 07060	236,636.94
BNB Hana Bank	1107-1109 Thornton Avenue, Plainfield New Jersey 07060	236,636.94

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.
Date of Plan being modified: **12/9/2015**.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Modified to extend the time to complete the loan modification on the Thornton property to July 1, 2017	Modified to extend the time to complete the loan modification on the Thornton property to July 1, 2017.
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date February 2, 2017 /s/ Kirsten B. Ennis, Esq.
Kirsten B. Ennis, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 2, 2017 /s/ Darryl Craig Hicks
Darryl Craig Hicks
Debtor

Date: _____
Joint Debtor

Imaged Certificate of Notice Page 6 of 7

United States Bankruptcy Court
District of New JerseyIn re:
Darryl Craig Hicks
DebtorCase No. 14-20905-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 16

Date Rcvd: Feb 03, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 05, 2017.

db +Darryl Craig Hicks, 1107-1109 Thornton Avenue, Plainfield, NJ 07060-2636
 lm Bank of America, NA, PO Box 660933, Dallas, TX 75266-0933
 lm Bank of America, NA, PO Box 5170, Simi Valley, CA 93062-5170
 cr +PNC BANK, National Association, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 514817294 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, 4161 Piedmont Pkwy, Greensboro, NC 27410)
 514915344 +BNB Hana Bank, NA, 250 Fifth Ave., New York, NY 10001-6405
 514817293 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, Po Box 5170,
 Simi Valley, CA 93062-5170
 515005598 +CitiMortgage, Inc., Bank of America, N.A., c/o Kivitz, McKeever, Lee, P.C.,
 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 514817297 +Lisa M. Fadini, Esq, c/o BNB Hana Bank, NA, 250 Fifth Avenue, New York, NY 10001-6405
 515090896 +PNC Bank, National Association, 3232 Newmark Drive, B6-YM14-01-3,
 Miamisburg, OH 45342-5421
 514817298 +Pnc Mortgage, 6 N Main St, Dayton, OH 45402-1908
 514850809 +Slomin Security, Inc., Eichenbaum & Stylianou, LLC, 10 Forest Ave.,
 Paramus, NJ 07652-5242

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Feb 03 2017 23:11:53 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 03 2017 23:11:50 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 514834671 E-mail/Text: mrdiscen@discover.com Feb 03 2017 23:11:35 Discover Bank,
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
 514817296 +E-mail/Text: mrdiscen@discover.com Feb 03 2017 23:11:35 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm* +PNC Mortgage, 6 N. Main Street, Dayton, OH 45402-1908
 514817295* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982235, El Paso, TX 79998)

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 05, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 2, 2017 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor PNC BANK, National Association
 bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
 Denise E. Carlon on behalf of Creditor CITIMORTGAGE, INC. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Denise E. Carlon on behalf of Creditor CitiBank, N.A. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Frank J. Martone on behalf of Creditor PNC BANK, National Association bky@martonelaw.com
 Ira Deiches on behalf of Creditor BNB Hana Bank, National Association ideiches@deichesslaw.com
 Joshua I. Goldman on behalf of Creditor CITIMORTGAGE, INC. jgoldman@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Kirsten B. Ennis on behalf of Debtor Darryl Craig Hicks pacerecf@ennislegal.com

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 16

Date Rcvd: Feb 03, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Marie-Ann Greenberg magecf@magtrustee.com

TOTAL: 8